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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 WILLIAM GUY,

No. CIV S-03-1208-RRB-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 D. KIMBRELL, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. Pending before the court is plaintiff's request for a scheduling order (Doc.
19 39).

20 A scheduling order was issued September 4, 2007 (Doc. 33). Therefore, this
21 request will be denied. In the event plaintiff did not receive a copy of the scheduling order, the
22 Clerk of the Court will be directed to provide a copy to plaintiff. The remaining dates in the
23 scheduling order, however, will be vacated as discussed below.

24 Also before the court is a motion for judgment on the pleadings (Doc. 38) filed
25 December 31, 2007. Plaintiff's opposition to this motion is currently due January 22, 2008.
26 Plaintiff's request for a scheduling order will be construed as a request for additional time to

1 respond, which will be granted. Because this motion may be dispositive of the entire case, the
2 remaining dates in the scheduling order will be vacated. If the motion for judgment on the
3 pleadings is denied, the court will issue a new scheduling order. To be sure that plaintiff is clear
4 about the status of this case, he is informed that discovery was closed December 21, 2007. All
5 other dates in the scheduling order will be vacated, including the deadline for pretrial motions
6 and the pretrial conference. These dates will be reset if necessary.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's request for a scheduling order (Doc. 39) is denied;
- 9 2. The Clerk of the Court is directed to provide plaintiff a copy of the
10 scheduling order (Doc. 33) filed September 4, 2007;
- 11 3. Plaintiff's request is construed as a request for additional time to respond
12 to the motion for judgment on the pleadings (Doc. 38), which is granted;
- 13 4. Plaintiff shall have 30 days from the date of this order to respond to the
14 motion for judgment on the pleadings; and
- 15 5. The remaining dates in the scheduling order (Doc. 33) are vacated.

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17 DATED: January 14, 2008

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19 **CRAIG M. KELLISON**
20 UNITED STATES MAGISTRATE JUDGE
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